


**DOCKET NO. 3:95-CR-178-FDW-9**

## ORDER

IT IS SO ORDERED.

  
Frank D. Whitney  
United States District Judge

<sup>1</sup> The Fourth Circuit vacated this Court’s original sentence after it was discovered that the undersigned was involved in Defendant’s original sentencing hearing as an Assistant United States Attorney. The Fourth Circuit panel opined that this violation of 28 U.S.C. § 455(b)(3) was “unwitting,” there being “no evidence to suggest that [the undersigned] recalled his participation in Robinson’s original sentencing proceeding, nor did anyone bring it to his attention . . . .” (Slip. Op. at 17.) The undersigned wishes to confirm the circuit court’s opinion on this matter, noting that a conflict check is performed in every case and that the undersigned was neither counsel of record nor aware of his involvement in this Defendant’s case, but could have become involved in this matter as the duty attorney on the day of Defendant’s original sentencing.